

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON LOCAL GOVERNMENT

**Call to Order:** Chair Edward Greef, on March 14, 2017 at 3:00 PM, in Room 172 Capitol

#### ROLL CALL

**Members Present:**

Rep. Edward Greef, Chair (R)  
Rep. Forrest Mandeville, Vice Chair (R)  
Rep. Kathy Swanson, Vice Chair (D)  
Rep. Mary Ann Dunwell (D)  
Rep. Dave Fern (D)  
Rep. Ross H. Fitzgerald (R)  
Rep. Steve Gunderson (R)  
Rep. Denise Hayman (D)  
Rep. Kathy Kelker (D)  
Rep. Steve Lavin (R)  
Rep. Derek Skees (R)  
Rep. Jeremy Trebas (R)  
Rep. Barry Usher (R)

**Members Excused:**

Rep. Kim Abbott (D)  
Rep. Laurie Bishop (D)  
Rep. Amanda Curtis (D)  
Rep. Geraldine Custer (R)  
Rep. Frank Garner (R)  
Rep. Bruce Grubbs (R)  
Rep. Adam Hertz (R)  
Rep. Jessica Karjala (D)  
Rep. Susan Webber (D)  
Rep. Daniel Zolnikov (R)

**Members Absent:** None

**Staff Present:** Ginger Aldrich, Legislative Branch  
Margot Miltenberger, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 224, 3/9/2017; SB 278, 3/9/2017; SB 306, 3/9/2017  
Executive Action on: HB 445; SB 79; SB 177

**HEARING ON SB 224**

**Opening Statement by Sponsor:**

00:01:47 Sen. Sue Malek (D), SD 46, opened the hearing on SB 224, State cabin site exemption for replacement water or sewer systems.

**Proponents:**

00:02:00 Rep. Bishop joined the meeting

00:03:05 Shawn Thomas, Montana Department of Natural Resources (DNRC)

00:05:40 Commissioner Dave Strohmaier, Missoula

**EXHIBIT(loh53a01)**

00:07:52 Jeanna Miller, Missoula County

**EXHIBIT(loh53a02)**

00:10:00 Rep. Abbott joined the meeting

**Opponents:** None

**Informational Witnesses:** None

**Questions from Committee Members and Responses:**

00:11:30 Rep. Mandeville

00:12:24 Jeanna Miller, Missoula County

00:12:30 Rep. Fern

00:15:17 Jeanna Miller, Missoula County

00:16:27 Rep. Fitzgerald

00:16:35 Rep. Custer joined the meeting

00:16:59 Jeanna Miller, Missoula County

00:17:56 Rep. Usher

00:19:12 Jeanna Miller, Missoula County

00:20:29 Chair Greef

00:21:05 Jeanna Miller, Missoula County

**Closing by Sponsor:**

00:22:11 Sen. Malek

**HEARING ON SB 278**

**Opening Statement by Sponsor:**

00:25:11 Sen. Steve Hinebaugh (R), SD 18, opened the hearing on SB 278, Revising local government selection procedures for professional services.

**Proponents:**

00:28:34 Jason Rittal, Fallon County

00:31:43 Jay Skoog, American Council of Engineering Companies (ACEC)

**EXHIBIT(loh53a03)**

**EXHIBIT(loh53a04)**

00:37:26 Kelly Lynch, Montana League of Cities and Towns (MLCT)

00:38:57 Eric Bryson, Montana Association of Counties (MACo)

00:40:18 Darryl James, American Institute of Architects (AIA) American Society of Civil Engineers (ASCE), Montana Society of Engineers (MSE)  
00:41:07 Bill Lloyd, Great West Engineering, American Council of Engineering Companies (ACEC)  
00:43:10 Jeff Wivholm, Montana Association of Conservation Districts (MACD)

**Opponents:** None

**Informational Witnesses:**

00:43:55 Jennifer Olson, Montana Department of Commerce (COM)  
00:44:32 Russ Katherman, Department of Administration (DOA)

**Questions from Committee Members and Responses:**

00:45:03 Rep. Mandeville  
00:46:24 Jennifer Olson, COM

**Closing by Sponsor:**

00:47:53 Sen. Hinebauch

**HEARING ON SB 306**

**Opening Statement by Sponsor:**

00:49:25 Sen. Roger Webb (R), SD 23, opened the hearing on SB 306, Allowing conversion of condo to townhouse.

[\*\*EXHIBIT\(loh53a05\)\*\*](#)

**Proponents:**

00:57:00 Jim Anderson, Montana Association of Realtors (MAR)

[\*\*EXHIBIT\(loh53a06\)\*\*](#)

[\*\*EXHIBIT\(loh53a07\)\*\*](#)

01:02:20 Rep. Garner joined the meeting  
01:09:28 Peggy Trenk, Montana Housing Coalition

**Opponents:**

01:11:24 Branden Allen, Old Republic National Title Insurance Company  
01:15:53 Steve Turkiewicz, Montana Bankers Association (MBA)  
01:18:45 Bill Gowen, Montana Land Title Association (MLTA)

[\*\*EXHIBIT\(loh53a08\)\*\*](#)

**Informational Witnesses:**

01:22:41 Tim Davis, Department of Environmental Quality (DEQ)

**Questions from Committee Members and Responses:**

01:23:06 Rep. Fern  
01:25:21 Steve Turkiewicz, MBA  
01:25:55 Rep. Kelker  
01:26:34 Steve Turkiewicz, MBA  
01:26:59 Rep. Kelker  
01:29:51 Bill Gowen, MLTA

01:30:01 Rep. Custer  
01:31:36 Bill Gowen, MLTA  
01:32:04 Rep. Hayman  
01:33:35 Bill Gowen, MLTA  
01:34:31 Rep. Mandeville  
01:39:29 Jim Anderson, MAR  
01:39:49 Rep. Kelker  
01:42:27 Bill Gowen, MLTA  
01:43:19 Rep. Fitzgerald  
01:45:46 Branden Allen, Old Republic National Title Insurance Company  
01:46:26 Rep. Usher  
01:49:21 Sen. R. Webb  
01:49:36 Rep. Mandeville  
01:53:39 Jim Anderson, MAR  
01:54:25 Rep. Skees  
01:54:47 Sen. R. Webb

**Closing by Sponsor:**

01:55:28 Sen. R. Webb

02:00:04 Recessed

02:20:36 Reconvened

**EXECUTIVE ACTION ON SB 79**

02:22:11 **Motion:** Rep. Mandeville moved that **SB 79 BE CONCURRED IN.**

**Discussion:**

02:22:25 Rep. Mandeville

02:25:15 Rep. Kelker

02:26:05 **Substitute Motion/Vote:** Rep. Usher made a substitute motion that **SB 79 BE TABLED.** Substitute Motion failed 8-15 by roll call vote with Rep. Greef, Rep. Grubbs, Rep. Gunderson, Rep. A. Hertz, Rep. Mandeville, Rep. Skees, Rep. Usher and Rep. Zolnikov voting aye. Rep. Abbott, Rep. Curtis, Rep. Dunwell, Rep. Grubbs, Rep. A. Hertz, Rep. Karjala, Rep. Webber and Rep. Zolnikov voted by proxy.

**Discussion:**

02:29:42 Rep. Kelker

02:30:09 Chair Greef

02:30:38 Rep. Trebas

02:31:49 Rep. Lavin

02:32:28 Rep. Usher

02:34:03 **Vote:** Motion carried 15-8 by roll call vote with Rep. Greef, Rep. Grubbs, Rep. Gunderson, Rep. A. Hertz, Rep. Mandeville, Rep. Skees, Rep. Usher and Rep. Zolnikov voting no. Rep. Abbott, Rep. Curtis, Rep. Dunwell, Rep. Grubbs, Rep. A. Hertz, Rep. Karjala, Rep. Webber and Rep. Zolnikov voted by proxy. Rep. Zolnikov will carry the bill.

**EXECUTIVE ACTION ON SB 177**

02:35:57 **Motion:** Rep. Mandeville moved that **SB 177 BE CONCURRED IN.**

**Discussion:**

02:36:11 Rep. Kelker  
02:38:31 Ginger Aldrich, Legislative Services Division (LSD)  
02:42:28 Rep. Kelker  
02:43:36 Rep. Mandeville  
02:44:29 Rep. Usher  
02:44:45 Rep. Mandeville  
02:45:16 Rep. Custer  
02:46:33 Rep. Trebas

02:47:33 **Substitute Motion/Vote:** Rep. Kelker made a substitute motion that **SB 177 BE TABLED.** Substitute Motion failed 11-12 by roll call vote with Rep. Abbott, Rep. Bishop, Rep. Curtis, Rep. Custer, Rep. Dunwell, Rep. Fern, Rep. Hayman, Rep. Karjala, Rep. Kelker, Rep. Swanson and Rep. Webber voting aye. Rep. Abbott, Rep. Curtis, Rep. Dunwell, Rep. Grubbs, Rep. A. Hertz, Rep. Karjala, Rep. Webber and Rep. Zolnikov voted by proxy.

02:49:51 **Substitute Motion:** Rep. Hayman made a substitute motion that **SB 177 BE RE-REFERRED TO THE JUDICIARY COMMITTEE.**

**Discussion:**

02:51:01 Ginger Aldrich, LSD  
02:51:45 Chair Greef  
02:51:55 Ginger Aldrich, LSD  
02:52:06 Rep. Lavin  
02:52:33 Rep. Skees  
02:52:55 Rep. Hayman  
02:53:47 Rep. Swanson  
02:54:05 Rep. Usher  
02:54:35 Ginger Aldrich, LSD  
02:54:59 Rep. Usher

02:55:28 **Vote:** Motion failed 10-13 by roll call vote with Rep. Abbott, Rep. Bishop, Rep. Curtis, Rep. Dunwell, Rep. Hayman, Rep. Karjala, Rep. Kelker, Rep. Swanson, Rep. Webber and Rep. Zolnikov voting aye. Rep. Abbott, Rep. Curtis, Rep. Dunwell, Rep. Grubbs, Rep. A. Hertz, Rep. Karjala, Rep. Webber and Rep. Zolnikov voted by proxy.

02:57:30 **Vote:** Motion carried 12-11 by roll call vote with Rep. Abbott, Rep. Bishop, Rep. Curtis, Rep. Custer, Rep. Dunwell, Rep. Fern, Rep. Hayman, Rep. Karjala, Rep. Kelker, Rep. Swanson and Rep. Webber voting no. Rep. Abbott, Rep. Curtis, Rep. Dunwell, Rep. Grubbs, Rep. A. Hertz, Rep. Karjala, Rep. Webber and Rep. Zolnikov voted by proxy. Rep. Webb will carry the bill.

**EXECUTIVE ACTION ON HB 445**

03:01:10     **Motion:** Rep. Mandeville moved that **HB 445 DO PASS.**

03:01:29     **Motion:** Rep. Mandeville moved that **HB 445 BE AMENDED.**  
**EXHIBIT**(loh53a09)

03:01:39     **Vote:** Motion carried unanimously by voice vote. Rep. Abbott, Rep. Curtis, Rep. Dunwell, Rep. Grubbs, Rep. A. Hertz, Rep. Karjala, Rep. Webber and Rep. Zolnikov voted by proxy.

03:02:44     **Motion/Vote:** Rep. Mandeville moved that **HB 445 DO PASS AS AMENDED.**  
Motion carried unanimously by voice vote. Rep. Abbott, Rep. Curtis, Rep. Dunwell, Rep. Grubbs, Rep. A. Hertz, Rep. Karjala, Rep. Webber and Rep. Zolnikov voted by proxy.

**ADJOURNMENT**

Adjournment: 03:04:54

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Margot Miltenberger, Secretary

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Additional Documents:

**EXHIBIT**([loh53aad.pdf](#))